

REMARKS/ARGUMENTS

Claims 1-3 and 5-12 are pending in the present application. In the Office Action mailed June 21, 2004, the Examiner rejected claims 1-3 and 5-12 under 35 U.S.C. § 102(b).

Rejection of Claims 1-3 and 5-12 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3 and 5-12 under 35 U.S.C. § 102(b) based on “Experience With Secure Multi-Processing in Java” by Dirk Balfanz and Li Gong (hereinafter, “Balfanz”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully assert that Balfanz does not disclose each and every element as set forth in claims 1-3 and 5-12. More specifically, claim 1 provides “one or more overlays to the set of substantially unmodified base classes, the one or more overlays enabling corresponding base classes to support shared access by one or more substantially unmodified transportable byte code applications.” Similarly, claim 9 provides for a “means for overlaying one or more substantially unmodified base classes to support the number of applications.” Claim 12 provides “a second set of instructions for overlaying one or more substantially unmodified base classes to support the number of applications.” Because claims 2-3 and 5-8 depend from claim 1, and claims 10-11 depend from claim 9, claims 2-3, 5-8, and 10-11 also include a limitation providing for an over lay of a substantially unmodified base class.

Balfanz discloses that “The new application is allowed to create threads only in its own thread group” (page 402, third paragraph from the top) and that “every application gets its own copy of the System class.” (Balfanz page 40, 3rd paragraph from the bottom.) In the Office Action on page 3, at the end of the first paragraph, mailed December 3, 2003, the Examiner asserted that “Regarding ‘overlays,’ Balfanz disclose[s] ‘a new class called SystemProperties that is shared between all applications.’ (Section 5.5, p. 403, bottom right column).” Balfanz must be read in context to understand “that the System class, in the form of system properties, also contains state that is truly JVM-wide. To make sure that such systems properties are available to all applications, we placed them in a new class called SystemProperties that is shared between all applications (see Figure 4).” Balfanz page 403, last paragraph. This new class called SystemProperties is not an overlay as used in the application and in claims 1-3 and 5-12.

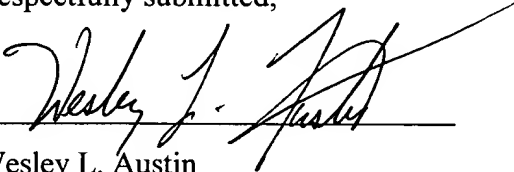
As used in the application, overlays allow shared access and use of base classes, such as the AWT and the garbage collection routine. *See* Application page 6, lines 5 through 12. Balfanz on the other hand, only discloses providing shared access to “state[s] that [are] truly JVM-wide.” More specifically, Balfanz is referring to universal values of the system, not base classes as used in the application. *See e.g.* Application page 10, lines 11-16; page 12, lines 3-12 and lines 17-23; page 14, lines 7-24; page 15, lines 14-19. For example, “The base class overlays 200 ensure appropriate behavior of the base classes 102 for each of the applications ... The modified execution environment of Figure 2 only needs a single garbage collection process and a single copy of the base classes 102.”

Application page 12, lines 11-12 and lines 17-18. Upon close examination, Balfanz does not disclose each and every limitation as set forth in the claims and thus, does not anticipate claims 1-3 and 5-12. Therefore, withdrawal of this rejection is respectfully requested.

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Reply to Office Action of June 21, 2004

Applicants respectfully assert that claims 1-3 and 5-12 are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

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